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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,597	11/20/2003	Andre Meunier	3042-1B	7198

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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/716,597	MEUNIER ET AL.	
	Examiner	Art Unit	
	Anne Marie M. Boehler	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 depends from claim 14. However, it appears that applicant meant for claim 18 to depend from claim 17. As written, "said two said depressions" lack antecedent basis in the claim.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-8, 10-13, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Fulsom.

Simmons shows a snowmobile ski 10 with a pivot joint 30 on a top surface of the ski, laterally spaced longitudinal keels 20 extending from the ski bottom surface, and longitudinal depressions 44 in the sole of the ski. In column 5, lines 44-45, Simmons teaches that a central keel, not shown but commonly known in the art, may be used in addition to the lateral keels.

Simmons fails to show a central keel longitudinally offset relative to the lateral keels.

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Fulson shows a runner with two keel embodiments. One embodiment has two long lateral keels. The second embodiment, shown in Figure 5, includes two short lateral keels 28, 30, positioned along the forward half of the runner, and a third, central keel 32 positioned along the rear half of the runner.

It would have been obvious to one of ordinary skill in the art to provide the Simmons skis with forward lateral keels and a rearward central keel, as taught by Fulsom, in order to improve stability.

4. Claims 1-13, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Lavecchia.

Simmons shows a snowmobile ski 10 with a pivot joint 30 on a top surface of the ski, laterally spaced longitudinal keels 20 extending from the ski bottom surface, and longitudinal depressions 44 in the sole of the ski. In column 5, lines 44-45, Simmons teaches that a central keel, not shown but commonly known in the art, may be used in addition to the lateral keels.

Simmons fails to show a central keel longitudinally offset relative to the lateral keels.

Lavecchia shows a runner with two lateral keels 16 positioned, at least partly, in the forward half of the runner, and a third, central keel 18 (referred to as a "stabilizing runner" in col. 3, line 35) positioned along the rear half of the runner, longitudinally offset from the lateral keels. A recess 20 extends along the center of the front of the runner then forks on either side of the central keel 18.

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It would have been obvious to one of ordinary skill in the art to provide the Simmons skis with forward lateral keels and a rearward central keel, as taught by Lavecchia, in order to improve stability.

5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons and Lavecchia as applied to claims 1013 above, and further in view of Cormican (PGPub 2002/0185829).

The combination is silent regarding the steering pivot configuration.

Cormican shows a snowmobile with skis 14. Each ski is pivotally connected to a steering pivot 16 that extends upwardly, rearwardly, and inwardly from the ski (see Figures 3 and 4).

It would have been obvious to provide the Simmons snowmobile with a suspension having an angled steering pivot, as taught by Cormican, in order to provide a high performance suspension.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lebreux, Merenheimo, Warnke, Yamamoto, and Berto show snowmobile skis with integral keels.

Geary shows a front steering ski with lateral keels on opposite sides of the front end.


Davignon shows a steering ski 13 with forward lateral keels 25 and a front central keel 21.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/24/09
Anne Marie M Boehler
Primary Examiner
Art Unit 3611

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